

### **REMARKS**

This responds to the Office Action mailed on October 19, 2004.

Claims 1-3 have been canceled without prejudice. Applicants reserve the right to reintroduce them in one or more divisionals and/or continuations at a later date. No claims have been amended or canceled. As a result, claims 4-29 are now pending in this application.

For the convenience of the Examiner, Applicants' remarks concerning the claims will be presented in the same order in which the Examiner presented them in the Office Action.

### **Amendments to the Specification**

On page 1, Applicants have updated the status of the parent application.

No new matter has been introduced through these amendments to the specification.

### **Information Disclosure Statement Previously Submitted on February 6, 2004 Requires Further Consideration**

Applicants filed an Information Disclosure Statement on February 6, 2004. Although Applicants received a copy of the Form 1449 with the most recent Office Action, the Examiner's initials were missing from the single citation under the category "Foreign Patent Documents". Pursuant to the provisions of MPEP 609, Applicants request that a copy of the Form 1449, with the foreign patent document being initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

### **Rejection of Claims 4-29 under 35 U.S.C. §103(a) as Unpatentable over Daves in view of Edwards**

Claims 4-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Daves et al. (U.S. 6,091,603) in view of Edwards et al. (U.S. 6,294,408).

Applicants respectfully refer the Examiner to the declaration under 37 CFR §1.131 filed with Applicants' "Amendment and Response Under 37 C.F.R. §1.111" filed on September 15, 2003 in the parent application Ser. No. 09/652,430. This declaration swears behind Daves and

Edwards. In the "Notice of Allowability" dated November 7, 2003, the Examiner stated that "The Declaration filed on September 15, 2003 under 37 CFR §1.131 is sufficient to overcome the Daves '603 and Edwards '408 references."

In view of the declaration, Applicants respectfully submit that the rejection is now moot and should be withdrawn, and that claims 4-29 are allowable.

#### **Documents Cited But Not Relied Upon For This Office Action**

Applicants need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action, because these references are not made part of the rejections in this Office Action. Applicants are expressly not admitting to this assertion and reserve the right to address the assertion should it form part of future rejections.

#### **Conclusion**

Applicants respectfully submit that claims 4-29 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney, Walter W. Nielsen (located in Phoenix, Arizona) at (602) 298-8920, or the below-signed attorney (located in Minneapolis, Minnesota) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

BISWAJIT SUR ET AL.

By their Representatives,

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Date

February 22, 2005

By

Charles E. Steffey

Charles E. Steffey

Reg. No. 25,179

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of February, 2005.

Chas Hammond

Name

Chas Hammond

Signature